

New-York Tribune.

TUESDAY, MAY 30, 1911.

This newspaper is owned and published by The Tribune Association, a New York corporation; office and principal place of business, Tribune Building, No. 154 Nassau street, New York; Oden Mills, president; Oden M. Reid, secretary; James M. Barrett, treasurer. The address of the officers is the office of this newspaper.

SUBSCRIPTION RATES.—By Mail, Post paid, outside of Greater New York.
Daily and Sunday, one month, \$3.75
Daily and Sunday, six months, \$20.00
Daily and Sunday, one year, \$36.00
Daily only, one month, \$1.25
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Daily only, one year, \$12.00
Sunday only, one month, \$1.00
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Entered at the Postoffice at New York as Second Class Mail Matter.

THE NEWS THIS MORNING.

CONGRESS.—Senate: By a vote of 14 to 11 the Democratic Senators caucus rescheduled their former decision to support the Martin resolution providing for a reorganization of the Lorimer case by the Committee on Privileges and Elections; Senator Jeff Davis attacked Lorimer in a speech in the Senate; House: The House was not in session.

FOREIGN.—Sir W. S. Gilbert, the librettist of "Pirates," "The Mikado" and other famous comic operas, died after unusual circumstances in the lake in his grounds, where he was swimming. Beaumont and Garros led the aviators in the Paris-Rome-Turin flight, most of the aviators met with accidents yesterday, but the two named reached Nice. Japan and Russia expressed willingness to share in the \$500,000,000 loan to China, now apportioned equally to America, England, France and Germany. A diplomatic clash is considered possible. E. C. Benedict's yacht, ashore near Havana, was reported as safe. The House of Lords pressed the second reading of the veto bill, which will not repeat until after the coronation.

DOMESTIC.—The United States Supreme Court found the American Tobacco Company guilty of violating the Sherman anti-trust law, and ordered it dissolved if it does not reorganize. The Senate, after a long session, adjourned. The House of Representatives passed the bill to reorganize the State Highway Commission. Nine persons lost their lives and a score were injured in a head-on collision between two freight trains at the crossing of Burlington and Quincy Railroad, near McCook, Neb.

CITY.—Stocks were dull and strong. The five defendants in the United Wireless case were found guilty, and after they had been sentenced to jail and to pay the costs of the trial, Henry A. Smith, chief of the State Police, announced that efforts had been made to bribe him and a juror. Police Deputy District Attorney and Police Captain McKeown were promoted. Mayor Gaynor scored Crompton in addressing the men, and it was announced the three platoon system would be restored. Wall Street, while supported in the terms of the wireless decision, gave no indication of alarm; the market had been dull all day. Directors of the Dreamland Company decided to let the site remain an ash strewn heap for nothing to come. The United States Steel Corporation and its allies met the cut in bar steel of the Republic Company, and announced further reductions. Two small boys, whose mothers had asked them to stay away from the water, fell into the Harlem River while romping on a rock, were carried off by a whirlpool and drowned.

THE WEATHER.—Indications for today: Fair and cooler. The temperature yesterday: Highest, 79 degrees; lowest, 60.

A NOTABLE ACHIEVEMENT.

The announcement that the postal service has become self-sustaining is a prompt and highly agreeable confirmation of recent forecasts made by the Postmaster General. The public has been prepared for so pleasant a piece of intelligence by the admirable work which the present head of the department was already known to have done. There was a general expectation that he would wipe out the annual postoffice deficit before the end of the fiscal year 1910-11, because the country had been deeply impressed by what he had accomplished in the fiscal year 1909-10. But with what skepticism would a pledge to make the service pay its own way have been received at the beginning of the Taft administration, when the department was facing the largest annual deficit ever rolled up!

It seemed then as if receipts would never overtake expenditures. The adverse balance for 1908-09 was \$17,441,719, for the year before it had been \$16,878,223 and back to 1882-83 there was an unbroken record of deficits. But the Taft administration set about reducing the cost of governmental operations in dead earnest. The postal deficit was cut in 1909-10 from \$17,441,719 to \$8,100,000—a saving of more than \$11,000,000. That deficit has now been wiped out, and the Postmaster General estimates that the year will close on June 30 with a surplus of at least \$1,000,000.

If a partial modernization of the postal system has saved the government nearly \$20,000,000 in two years it is a fair conclusion that further administrative reforms will produce substantial annual surpluses. The service has not been crippled in order to create a temporary and misleading appearance of retrenchment. On the contrary, it has been steadily enlarged and improved, 5,689 new postoffices having been established in the last two years, 2,124 new rural routes created, 8,724 more men employed and salaries increased \$11,708,671. The earning power of the establishment has been enlarged and will continue to increase on a larger volume of business. The postoffice can probably be made to pay handsome profits, even without a readjustment of rates on second class matter, if economy in operations is still further enforced and the limit of weight for domestic packages carried in the parcels post is raised so as to conform to the limit for foreign packages so carried. The government now transports packages of foreign origin up to eleven pounds in weight for 12 cents a pound, but it deprives itself of a highly profitable busi-

ness by limiting the size of packages of domestic origin to four pounds and charging 16 cents a pound postage. That anomaly ought to be corrected both in the government's interest and in the interest of the American public, now improperly discriminated against.

When surpluses become the rule in the postal service their size is likely to be limited only by considerations of policy. A run of highly profitable years would undoubtedly pave the way for one cent letter postage, just as the prosperity of the department in the years following the war led to a reduction of the first class rate from three cents to two cents. One cent postage would be a boon to all the people, operating both directly and indirectly to reduce the cost of living. That is the now not very distant goal toward which the Postoffice Department is headed, thanks to the transformation in methods effected in the last two years.

THE RIGOR OF A REASONABLE LAW.

The decision of the United States Supreme Court against the so-called Tobacco Trust disposes of the notion that the interpretation of the Sherman law "in the light of reason" had weakened that act. The lower court had followed the strictest and most literal construction of the act, which made it, in the celebrated illustration used by the presiding judge, forbid even a combination between two previously independent expressmen driving wagons between two villages in adjacent states. Yet it found certain of the defendants, such as the British Tobacco Company and the United Cigar Stores Company, not operating in restraint of trade. The Supreme Court reads the word "undue" into the law, and yet it finds guilty these defendants exculpated by the lower court.

There have a practical test of the effect of applying the statute in accordance with "the light of reason." It has certainly lost none of its "teeth." The condemnation of the Tobacco Trust is as sweeping as language could make it. Unlike the lower court, with its strict interpretation, which many allege was necessary to give force and effect to the law, the Supreme Court finds nothing to palliate in the combination's history. No suggestion is to be found in Chief Justice White's opinion that this is a "good trust"; indeed, less is likely to be heard in the future of the idea prevalent in some quarters since the Standard Oil decision that the Supreme Court recognizes such a thing as a "good trust" or a "good monopoly." This present opinion and the drastic application of the statute to this tobacco combination, in whose conduct the lower court found little ground for complaint, will dispose of the notion that in interpreting the Sherman act according to "the light of reason" the court was making it "fit modern conditions" and was recognizing the "inevitability of the combination and centralization of industry."

It is plain that what the court had in mind was not that a combination might resort to the familiar devices of the trusts so long as it exhibited a certain moderation. On the contrary, in interpreting the act in "the light of reason" the court clings to the common law view of the degree in which trade may be restrained. And the common law is extremely severe upon monopoly and knows nothing of "good trusts." It tolerates the restraints of trade which are incident to a competitive system and only those—the restraints which are "reasonable," essential to the carrying on of business, to forbid which would destroy all business precisely as the enemies of the Sherman act, declaring it forbade every restraint, even a partnership between two competing cart drivers, said it would destroy all business.

The practical question of what the law permits and what disintegration and reorganization are necessary to bring combinations which have rashly followed the apparently successful footsteps of the Standard Oil Company and the Tobacco Trust into harmony with the Sherman act, interpreted in "the light of reason," will be made clearer when the Tobacco Trust submits to the lower court its plans to carry on interstate commerce in accordance with law. Six months are given to the combination in which to do this, and the time may be extended two months longer. The lower court's opinion as to what steps are necessary to abide by the decree just rendered may be appealed from to the Supreme Court, and thus the country may reach a final decision on the positive side as to exactly what is permitted.

MEXICAN COUNTERPLOTS.

The news from Mexico is unwelcome but not unexpected. Indeed, we may say that many competent observers have for some time feared that the success of the Maderist revolution would be the signal for other insurgent attempts. The fear of such a calamity was one of the strong reasons for desiring the maintenance of federal authority and the settlement of the issues between the government and the insurgents by peaceful and constitutional rather than by violent and revolutionary means. That desire proved vain, the revolution was successful, and now Mexico—happily not other nations also—must take the consequences.

How formidable these will be remains to be seen. We cannot yet tell to what extent the old Mexican spirit of turbulence and anarchy still lives and is capable of being roused into perilous activity. Diaz did much to destroy it during his long and useful administration, but such things die hard. Then, too, it is as true of revolutions as of Madam Tarrar, that they gain strength by going. Between the beginning and the ending of the Maderist revolution there was a perceptible increase of lawlessness and disorder, in various degrees of organization, throughout the republic. There was also an increasing inclination among the Maderists themselves to disregard the authority of their own leader, and probably nothing but timely success in defeating Diaz saved the revolutionary party itself from being broken up into contending factions. It would be a natural sequence if the success of Maderism should incite others to rebel against him, as he rebelled against Diaz.

Precisely that was attempted a generation ago, when Diaz himself became first provisional President and then actual President as a result of a successful revolution. But that man of genius was able to suppress every such attempt and to direct the nation into ways of progress and of profit which caused it to forget insurgency. Mr. de la Barra for the next six months and the new President who is then installed will have to demonstrate the extent to which they possess similar ability. Conditions are, of course, widely different from those existing thirty or forty years ago. Diaz

bulldozed the people of the 3d West Virginia District would never have been able properly to gauge the effect which the speech might have produced and therefore constructively did produce. The brackets were in a sense essential to an enlightened understanding of the situation.

Why should Mr. Mann want to draw so strict a line between the liberal fact and the larger truth? Mann's inhumanity to man is calculated to make the whole school of perorationists moan. Only a cynic could be guilty of such hard-heartedness.

Sleighting in Saskatchewan! And yet some persons wonder why Americans move to Canada!

The special session of Congress may be tedious, but it is nothing in comparison with the Camorra trial at Viterbo.

We greatly fear that Governor Dix is summing the cards in New York. While we are not in sympathy with those who would refuse to give Tammany a share of the chicken pie, we seriously doubt the wisdom of bestowing judicial pudding upon the carnivorous branch of the party—Houseton Post.

The carnivore cannot be put off forever with pie and breakfast foods.

Free trade in theory but close monopoly in practice appears to be the profitable commercial philosophy of Cobdenite Manchester.

The voice of the locust is heard in the land.

It is an open question whether persons who leave loaded guns where small children can use them for playthings ought not to be punished for criminal negligence.

The Imperial Conference in London is an impressive gathering, but if it is not permitted to consider the practical questions of political and economic policy which are foremost in colonial minds it will probably prove to be more ornamental than useful.

Cable dispatches from London bring this astonishing information:

The volume of betting on the Derby all over the world is so enormous that the bookmakers stand to lose quite as much as a million pounds by the success of St. Simon.

If the English "bookies" stand to lose \$5,000,000 on a single race they ought to be sufficiently ashamed of their unscientific methods to send over to this country for some of our unemployed talent, educated to the notion that the bookmaker is bound to draw down his percentage of profit, no matter what horse wins or loses.

THE TALK OF THE DAY.

The "Hamburger Fremdenblatt" points with pride to the first "skyscraper" to be erected in that city. It is to be 150 feet high, but only six of them will be above ground. The other four will be cellars and sub-cellars. From the street line to the roof the building will be one hundred and twelve feet high.

"Yes, I see him. He looks commonplace enough. What's he noted for?" "Conspicuous brevity."

"What did he do?" "Walloped out with his wife when she wore the first harem skirt that was ever seen on our streets."—Chicago Tribune.

DECORATION DAY.

Let not oblivion close in her left shade. The faithful heroes who for country died: Recall their names; their deeds let her not hide; Tell of their sacrifices nobly made.

Too oft men treat the sacred past as dead. The benefactions of the past as ill Deserving Memory's warmest land, and all Their days with greed or vanities instead.

For principles the men of North and South In former days their honored lives laid down; And well they merited the heroes' crown By patriot zeal and blood, not words of mouth.

Men of these striving modern days combine In chivalrous pursuit of fruitful peace. In all that tendeth to the land's increase, In right, truth, love and reverence benign.

For only lands can flourish long which own Their obligations to the sacred past. Their present duty and the things which last.

Bring, then, affection's tribute of earth's flowers; Deck grave and cross and graceful monument; Cherish the loved ones gone, with sweet intent. And let their virtues brighten future hours.

"How did that German philosopher become so celebrated as a leader of thought?" "He invented a word of which nobody but himself knows the exact meaning."—Washington Star.

"I have investigated one hundred and fifty alleged cases of ptomaine poisoning that were said to have originated from canned fruit," said Frank E. Gorrell, secretary of the National Canners' Association at a meeting in Chicago, "and in all I have not found one that really did originate in that way. The principle of the ptomaine poison is such that it is impossible for it to originate from fruit. I have consulted with the government investigators along the same lines, and their findings have been about the same as mine."

Overheard at the Esperantists' dinner in Paris: "Do you speak Esperanto, madame?" "No, sir, and you?" "Me, too."—Le Figaro.

THE HUSTLING INDIVIDUAL.

No Court Should Be Expected to Render Him Impotent.

To the Editor of The Tribune.

Sir: The principle of regulating industrial combinations has undergone careful scrutiny by the highest tribunal in this land, and the result, on the whole, seems to be in direct conflict with the common idea which the American public held previous to that scrutiny. Every student of political economy who has reached any of the advanced principles in that subject realizes that if the legislative branches of government in any country so legislate that there are conditions of prosperity and every one is making money, some persons will make more money than others. This is a natural law, and there is no possible way to avoid such a condition. Further, if legislation is framed so that men specially fitted and peculiarly adapted and endowed to make themselves very rich are not making money, it is safe to assume that the great majority are starting to death.

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may work out his own salvation, remembering his and the common belief in God. As a progressive people and a wise and enterprising nation, we cannot neglect the superior fact that it is the hustler of the individual that in the past has made and will in the future continue to make for the greater good of the whole number. The proper proportion of common sense, when mixed with our regulative methods, will surely bring the United States and the American people to the zenith of its greatness. MICHAEL J. HICKEY. Brooklyn, May 29, 1911.

A TRIBUTE TO JOSEPH MOSENTHAL.

To the Editor of The Tribune.

Sir: It seems strange that The Tribune, usually correct and complete in all its statements did not in its recent article in last Saturday's issue on the Mendelssohn Club make any reference to the late Mr. Joseph Mosenthal, its founder and continuous leader and conductor during the best thirty years of its existence. He died, it might be said, in the arms of the active members, said in the evening of January 29, 1886. No history of the Mendelssohn Club is complete without honorable mention of the faithful and beloved Joseph Mosenthal. T. M. MARSON. New York, May 29, 1911.

[The article referred to was not intended as a history of the club, but merely as an account of the loss of its home and its relations with Mr. Clark and his estate. Ed.]

DEATH BY AUTOSUGGESTION.

To the Editor of The Tribune.

Sir: Soon after reading in Sunday's Tribune, under the headline "Dies on Hour He Foretold," the death of Frank H. Luger, of Lambertville, Penn., from acute dilatation of the heart, I took up the book of Ernst von Feuchtersleben, "Health and Suggestion," and was turning the leaves at random, when my eyes were arrested by the following on page 76:

"Similarly, there are people who have learned to regulate voluntarily the action of the heart. The savages of a certain tribe of American Indians, if they believe that their necessary work on earth is done, lie down, although they may be in the full vigor of bodily strength, and die."

Possibly Mr. Luger had learned that death could be induced that way. New York, May 29, 1911. M. W. P.

EDUCATORS AND THE CHARTER.

To the Editor of The Tribune.

Sir: Because of much misunderstanding and many misrepresentations regarding the protest against the educational chapter of the so-called "Garnor charter," recently circulated in the public schools, will you please give a little space to a few explanatory statements from an unprofessional member of the committee with which it originated?

The Public Education Association recently sent to every public school principal in New York a circular calling attention to the many bad features of the educational chapter. Because of that and a similar circular sent by the Neighborhood Workers, the Association of Women Principals appointed a committee to stimulate a protest from the teachers.

A meeting called on May 11 was made up of representatives of associations of men and women, in favor of "equal pay," against it and indifferent to that matter, who left it in abeyance because of their interest in any action that might tend to prevent the great injury which they feel the school children are suffering from.

At that time there was an impression that legislative action would be taken by the 19th of the month, so it was decided to circulate a protest for signatures, as being speedier and giving more chance for individual expression than a mass meeting, although a hall had been obtained for that purpose. It was also decided not to put the names of all the members of the committee on the circular, so a few that were deemed representative were selected.

Some of those present had not the authority of the educational organizations, and it was therefore decided best that all should sign as individuals only. Much has been printed about an "unauthorized" and "self-constituted" committee. What authorization or constitution do those who are recognized as leaders require when they call upon their fellow workers to take action to avert dangers threatening all?

From the circular sent out by the Interborough Trust Thursday it is certainly reasonable to infer that the struggle for "equal pay" has been successful. That success having been won under present conditions, with the Davis law in force, why the need of abolishing those conditions? How does an effort to maintain those conditions jeopardize "equal pay"?

At a meeting of the committee held on May 22 it was found that, in spite of the "warnings" and fulminations against the "self-constituted committee" and its petition to the board of education, since the previous meeting many more new signatures than withdrawals, so that in spite of 22 withdrawals the signatures number nearly 5,000. CORA L. MAGNUS. Member of the Public Education Association and of the local school board of the 18th District. New York, May 24, 1911.

REASON ON "REASONABLENESS."

From Bench and Bar.

That "reasonableness" is a cardinal rule of statutory interpretation has been so often affirmed not only in ancient but in modern times, that it is almost superfluous to say that it is. It is, however, somewhat at the clamor and criticism which have followed hard upon the Standard Oil decision by the United States Supreme Court. The very next year after the decision of the Transmissouri case Mr. Justice Peckham, who had rendered the opinion of the majority of the court in that notorious adjudication, delivered also the opinion of the majority in the Standard Oil case, in which the following very significant language was used:

"The act of Congress must have a reasonable construction or else there would be no agreement, and it is not to be construed among business men that could not be said to have, indirectly or remotely, some bearing upon interstate commerce and possibly upon the public interest. We have no idea that the act covers or was intended to cover such kinds of agreements."

Nor do we share the apprehension of President Taft and others that the construction of the anti-trust law in the light of "reasonableness" would be to deprive the President's special message of January 7, 1907, of its effect. It is not to be supposed that they carry and give them a power approaching the arbitrary abuse of which the whole judicial system in this country has been guilty since the construction of the so-called Sherman act, in that the following very significant language was used:

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People and Social Incidents.

AT THE WHITE HOUSE.

[From The Tribune Bureau.]

Washington, May 29.—The President received to-day the following message from the provisional President of Mexico: "I am profoundly thankful to you for your excellent and friendly attitude toward Mexico. I am pleased to send me on my provisional assuming the office of President of the United Mexican States. I cherish the most confident confidence that the republic will soon enter upon a new era of peace and progress, and I am resolved upon devoting every energy to the achievement of that end. I invoke the most cordial wishes for the personal happiness of your excellency, of whom I treasure so pleasing remembrance, for Mrs. Taft's complete recovery, and for the growing prosperity of the powerful nation over which your excellency presides with so much wisdom, and with which I desire that Mexico will continue to cultivate close relations."

Reciprocity was the chief topic of discussion at the White House to-day. Following a conference with President Taft, Senator Owen said that three-fourths of the Democrats in the upper house favor reciprocity.

Judging from the number of invitations accepted by the President during the last six or eight weeks and numerous others he has taken under advisement, Mr. Taft will make an extended Western trip which will occupy part of August and practically the whole of September. Upon the invitation of Senator Smoot, Mr. Taft is expected to visit Salt Lake City in September and to attend the old folks' reunion.

President Taft to-day accepted the invitation of Louis H. Hurd, Mich., presented by Hon. J. C. Smith, to visit Port Huron in September. Mr. Taft was invited by Senator Smith to be the guest of the Chamber of Commerce of Detroit on its annual cruise from Detroit to Houghton. The Secretary of Agriculture will represent the President on the trip and will deliver an address on reciprocity.

THE CABINET.

[From The Tribune Bureau.]

Washington, May 29.—The Secretary of the Treasury returned to Washington this morning from Kansas City and Detroit, where he delivered addresses before banking associations. Mr. MacVeagh and his house guest, Mrs. A. Gerry Mason, of Chicago, went to Baltimore to-day and were entertained by Mr. and Mrs. Francis M. Jencks, her summer neighbors at Dublin, N. H.

Mrs. Meyer, Miss Julia Meyer and Miss Alice Meyer have gone to their summer home at Hamilton, Mass. The Secretary of the Navy will join them there from time to time until his duties here permit of a more permanent stay.

The Secretary of Commerce and Labor and Mrs. Nagel returned this morning from a day's visit in